

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

**FILED** NOV 10 2008

By: \_\_\_\_\_

*Corte*

H.J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of  
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged,  
7 or destroyed for or applied to public use without adequate and just  
8 compensation being made, unless by the consent of such person, and  
9 only if the taking, damage, or destruction is necessary for the  
10 possession, occupation, and enjoyment of the property by the public  
11 at large or by the State or a political subdivision of the State;  
12 and, when taken, except for the use of the State, such compensation  
13 shall be first made, or secured by a deposit of money; and no  
14 irrevocable or uncontrollable grant of special privileges or  
15 immunities[~~r~~] shall be made; but all privileges and franchises  
16 granted by the Legislature, or created under its authority, shall  
17 be subject to the control thereof.

18 (b) The State or a political subdivision of the State that  
19 takes, damages, or destroys property must prove by clear and  
20 convincing evidence that the contemplated use of the property is  
21 public and necessary at the time an attempt is made to take, damage,  
22 or destroy the property. Whether the contemplated use is in fact  
23 public and necessary shall be a judicial question.

24 SECTION 2. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 3, 2009.  
2 The ballot shall be printed to permit voting for or against the  
3 proposition: "The constitutional amendment to limit the power of  
4 the state and political subdivisions to take property in certain  
5 circumstances where the use is public and necessary, which shall be  
6 a judicial question."

# HOUSE COMMITTEE REPORT

2009 MAY -5 PM 5:33  
HOUSE OF REPRESENTATIVES  
1<sup>st</sup> Printing

By: Corte, Hilderbran, et al.

H.J.R. No. 14

Substitute the following for H.J.R. No. 14:

By: Homer

C.S.H.J.R. No. 14

## A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of  
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. No person's property shall be taken, damaged, or  
7 destroyed for or applied to public use without adequate and just  
8 compensation being made, unless by the consent of such person, and  
9 only if the taking, damage, or destruction is necessary for the  
10 possession, occupation, and enjoyment of the property by a common  
11 carrier, by an entity providing utility service, by the public at  
12 large, by the State, or by a political subdivision of the State;  
13 and, when taken, except for the use of the State, such compensation  
14 shall be first made, or secured by a deposit of money; and no  
15 irrevocable or uncontrollable grant of special privileges or  
16 immunities[7] shall be made; but all privileges and franchises  
17 granted by the Legislature, or created under its authority, shall  
18 be subject to the control thereof.

19 SECTION 2. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held November 3, 2009.  
21 The ballot shall be printed to permit voting for or against the  
22 proposition: "The constitutional amendment to prohibit the taking,  
23 damaging, or destroying of private property for public use unless  
24 the action is necessary for the possession, occupation, and

# COMMITTEE REPORT

The Honorable Joe Straus  
Speaker of the Texas House of Representatives

4-29-2009  
(date)

Sir:

We, your **COMMITTEE ON LAND & RESOURCE MANAGEMENT**

to whom was referred HJR 14 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.  
☐ do pass, with amendment(s).  
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

Corresponding joint resolution or enabling legislation number: \_\_\_\_\_

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
DENNIS BONNEN, Chair	✓			
JESSICA FARRAR, Vice-Chair				✓
Carol Alvarado				✓
Valinda Bolton				✓
Mike Hamilton	✓			
Mark Homer	✓			
Rob Orr				✓
Ken Paxton	✓			
Kristi Thibaut	✓			

Total

5 aye  
0 nay  
0 present, not voting  
4 absent

Dennis Bonnen  
CHAIR

## **BILL ANALYSIS**

C.S.H.J.R. 14  
By: Corte  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Both the United States and Texas Constitutions require that the taking of private property must be for a public use, and that when an authorized entity takes private property for a public use it must fairly compensate the owner for the property taken.

C.S.H.J.R. 14 amends the Texas Constitution to more clearly define the circumstances under which a person's private property may be taken for a public use, and what compensation is required in such cases.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.J.R. 14 proposes an amendment to the Texas Constitution to prohibit the taking of a person's private property for public use unless the taking, damage, or destruction is necessary for the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by the public at large, by the State, or by a political subdivision of the State. The resolution requires that the property not be taken unless the compensation is just as well as adequate.

C.S.H.J.R. 14 sets forth the required language for the ballot.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.J.R. 14 differs from the original by designating a common carrier or an entity providing utility service (in addition to entities designated by the original) as an entity who must possess, occupy, and enjoy property that is taken, damaged, or destroyed. The substitute removes a provision included in the original requiring the state or a political subdivision of the state that takes, damages, or destroys property to prove by clear and convincing evidence that the contemplated use of the property is public and necessary at the time an attempt is made to take, damage, or destroy the property. The substitute removes language included in the original that states that the question of whether the contemplated use is in fact public and necessary shall be a judicial question. The substitute makes changes to the required ballot language included in the original to conform to the changes in the substitute.

## SUMMARY OF COMMITTEE ACTION

HJR 14

March 25, 2009 8:00 AM

---

Considered in public hearing

Testimony taken/registration(s) recorded in committee

Left pending in committee

April 29, 2009 8:00 AM

---

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted

WITNESS LIST

HJR 14  
HOUSE COMMITTEE REPORT  
Land & Resource Management Committee

March 25, 2009 - 8:00 AM

For: Gore, Wright (Western Seafood Co)  
Higgins, Carlos (Self and Texas Silver-Haired Legislature)  
Hottot, Wesley (Institute for Justice Texas Chapter)  
Miller, Matt (Institute For Justice Texas Chapter)  
Peacock, Bill (Texas Public Policy Foundation)  
Summers, Deborah (Self)

Against: Bresnen, Steve (North Harris County Regional Water Authority)  
Doegey, Jay (City of Arlington)  
Gorski, Ted (The city of Fort Worth)  
Meyers, W A (Conference Urban Counties)  
Soard, Robert (Harris County)

On: Barton, John (Tx. Dept. of Transp.)  
Carroll, Stephen (TEXAS ENERGY COALITION)  
Cortese, Richard (Tx Farm Bureau)  
Mann, James (Texas Pipeline Assoc.)

Registering, but not testifying:

For: Brown, Kirby (Texas Wildlife Association)  
Flake, Lauren (Texas Landowners Council, Inc.)  
Gonzalez, Daniel (Texas Association of REALTORS)

Against: Beaver, Chester (City of Austin)  
Garza, Rudy (City of Corpus Christi)  
Gilliam, John (City of Plano)  
Igo, Shanna (Texas Municipal League)  
Miller, David (City of Forest Hill)  
Shipton, Patricia (CITY OF EL PASO)

On: Bradzaitis, Gregory (Energy Transfer Company)

+

3

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment a common carrier, by an entity providing utility service, by the public at large, by the state, or by a political subdivision of the state.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SZ, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **As Introduced**

Fiscal implications to the state, other than the cost of publication, cannot be determined.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment of the public at large or by the state or a political subdivision of the state. The resolution would also amend the Texas Constitution to require the state or a political subdivision to provide clear and convincing evidence that the use of the property to be taken is public and necessary.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment could affect the state's use of eminent domain for transportation-related purposes.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

If the voters were to approve the constitutional amendment, a political subdivision would incur legal costs associated with proving by clear and convincing evidence that the contemplated use of property to be taken is public and necessary. The annual costs would vary, depending on the number of parcels for which an entity seeks to exercise eminent domain. If there are a high number of proposed takings anticipated, the additional costs would include additional staff.

**Source Agencies:** 305 General Land Office and Veterans' Land Board, 601 Department of Transportation

**LBB Staff:** JOB, WK, MW, TG, ES, TP

ADOPTED

MAY 11 2009

Robert Hanes  
Chief Clerk  
House of Representatives

AS  
Amended  
OK

By: G. A. E.

H.J.R. No. 14

Substitute the following for H.J.R. No. 14:

By: Homer

C.S. H J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of  
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

2(1) 6 Sec. 17. <sup>(a)</sup> No person's property shall be taken, damaged, or  
7 destroyed for or applied to public use without adequate and just  
8 compensation being made, unless by the consent of such person, and  
3(1) 9 only if the taking, damage, or destruction is necessary for the <sup>((Insert 5))</sup>  
10 possession, occupation, and enjoyment of the property by a common  
1(1) 11 carrier, by an entity providing utility service, <sup>((Insert 1))</sup> by the public at  
12 large, by the State, or by a political subdivision of the State;  
13 and, when taken, except for the use of the State, such compensation  
14 shall be first made, or secured by a deposit of money; and no  
15 irrevocable or uncontrollable grant of special privileges or  
16 immunities[7] shall be made; but all privileges and franchises  
17 granted by the Legislature, or created under its authority, shall  
18 be subject to the control thereof.

2(2) 19 → <sup>((Insert 3))</sup> ←  
SECTION 2. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held November 3, 2009.  
21 The ballot shall be printed to permit voting for or against the  
22 proposition: "The constitutional amendment to prohibit the taking,  
23 damaging, or destroying of private property for public use unless  
24 the action is necessary for <sup>((Insert 6))</sup> the possession, occupation, and

1 enjoyment of the property by a common carrier, an entity providing  
2 utility service, <sup>(((Insert 2)))</sup> the public, the state, or a political <sup>1(2)</sup>  
3 subdivision. <sup>(((Insert 4)))</sup> <sup>2(3)</sup>

**LIST OF HOUSE AMENDMENTS CONSIDERED TODAY**  
**HJR14-Second Reading**

<b><u>AMENDMENT#</u></b>	<b><u>AUTHOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
1	Corte	Amendment	Adopted
2	Clark, V. Conte	Amendment	Adopted
3	Hartnett	Amendment	Adopted



FLOOR AMENDMENT NO. 1

BY: Corte

1 Amend C.S.H.J.R. No. 14 (house committee report) as  
2 follows:

((Insert 1))

3 (1) On page 1, line 11, between "providing utility service,  
4 by" and "the public at", insert an entity that provides  
5 telecommunications service, video service, or cable service to  
6 which the law grants eminent domain authority, by

7 (2) On page 2, line 2, between "utility service," and "the  
8 public," insert an entity that provides telecommunications  
9 service, video service, or cable service to which the law grants  
10 eminent domain authority, by

((Insert 2))

**ADOPTED**

MAY 11 2009

Robert Haney  
Chief Clerk  
House of Representatives



FLOOR AMENDMENT NO.

2

BY:

Gordon Davis

Amend C.S.H.J.R. No. 14 (house committee printing) as follows:

(1) On page 1, line 6, between "Sec. 17." and "No person's", insert "(a)".

(2) On page 1, between lines 18 and 19, insert the following:

(((Insert 3)))

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to:

(1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or

(2) operate a comparable farm, if the property taken is a farm.

(3) On page 2, line 3, between "subdivision" and the period, insert "and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a comparable property"

(((Insert 4)))

**ADOPTED**

MAY 11 2009

Robert H. Hays  
Chief Clerk  
House of Representatives



FLOOR AMENDMENT NO. 3

BY: Hartnett

1 Amend C.S.H.J.R. No. 14 (house committee report) as  
2 follows:

3 (1) On page 1, lines 9 and 10, between "is necessary for"  
4 and "the possession," insert "the elimination of urban blight  
5 on a particular parcel of property or"

((Insert 5))

6 (2) On page 1, line 24, between "is necessary for" and "the  
7 possession," insert "the elimination of urban blight on a  
8 particular parcel of property or"

((Insert 6))

ADOPTED *aw*  
MAY 11 2009 *mlt*  
*Robert Hance*  
Chief Clerk  
House of Representatives *at*

# HOUSE ENGROSSMENT

By: Corte, Hilderbran, Anderson, Paxton,  
Hughes, et al.

H.J.R. No. 14

## A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of  
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged,  
7 or destroyed for or applied to public use without adequate and just  
8 compensation being made, unless by the consent of such person, and  
9 only if the taking, damage, or destruction is necessary for the  
10 elimination of urban blight on a particular parcel of property or  
11 the possession, occupation, and enjoyment of the property by a  
12 common carrier, by an entity providing utility service, by an  
13 entity that provides telecommunications service, video service, or  
14 cable service to which the law grants eminent domain authority, by  
15 the public at large, by the State, or by a political subdivision of  
16 the State; and, when taken, except for the use of the State, such  
17 compensation shall be first made, or secured by a deposit of money;  
18 and no irrevocable or uncontrollable grant of special privileges or  
19 immunities[7] shall be made; but all privileges and franchises  
20 granted by the Legislature, or created under its authority, shall  
21 be subject to the control thereof.

22 (b) For the purposes of this section, adequate compensation  
23 for the taking of property that is a homestead or farm, if the  
24 taking makes relocation of the homestead or farm necessary,

1 includes the cost of relocation from the condemned property to  
2 another property that allows the property owner, without the  
3 necessity of incurring an amount of debt, debt service, or total  
4 projected interest obligation that is higher than the property  
5 owner was subject to immediately before the taking to:

6 (1) have a standard of living comparable to the  
7 property owner's standard of living immediately before the taking,  
8 if the property taken is a homestead; or

9 (2) operate a comparable farm, if the property taken  
10 is a farm.

11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 3, 2009.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment to prohibit the taking,  
15 damaging, or destroying of private property for public use unless  
16 the action is necessary for the elimination of urban blight on a  
17 particular parcel of property or the possession, occupation, and  
18 enjoyment of the property by a common carrier, an entity providing  
19 utility service, an entity that provides telecommunications  
20 service, video service, or cable service to which the law grants  
21 eminent domain authority, the public, the state, or a political  
22 subdivision, and to require compensation for homesteads and farms  
23 taken in certain circumstances where the use is public and  
24 necessary to include the cost of relocating to a comparable  
25 property."

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment a common carrier, by an entity providing utility service, by the public at large, by the state, or by a political subdivision of the state.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SZ, TG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **As Introduced**

Fiscal implications to the state, other than the cost of publication, cannot be determined.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment of the public at large or by the state or a political subdivision of the state. The resolution would also amend the Texas Constitution to require the state or a political subdivision to provide clear and convincing evidence that the use of the property to be taken is public and necessary.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment could affect the state's use of eminent domain for transportation-related purposes.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

If the voters were to approve the constitutional amendment, a political subdivision would incur legal costs associated with proving by clear and convincing evidence that the contemplated use of property to be taken is public and necessary. The annual costs would vary, depending on the number of parcels for which an entity seeks to exercise eminent domain. If there are a high number of proposed takings anticipated, the additional costs would include additional staff.

**Source Agencies:** 305 General Land Office and Veterans' Land Board, 601 Department of Transportation

**LBB Staff:** JOB, WK, MW, TG, ES, TP

1-1 By: Corte, et al. (Senate Sponsor - Duncan) H.J.R. No. 14  
1-2 (In the Senate - Received from the House May 12, 2009;  
1-3 May 13, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.J.R. No. 14 By: Duncan

1-8 HOUSE JOINT RESOLUTION

1-9 proposing a constitutional amendment to prohibit the taking of  
1-10 property for transfer to a private entity for certain purposes.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 17, Article I, Texas Constitution, is  
1-13 amended to read as follows:

1-14 Sec. 17. (a) No person's property shall be taken, damaged  
1-15 or destroyed for or applied to public use without adequate  
1-16 compensation being made, unless by the consent of such person; and,  
1-17 when taken, except for the use of the State, such compensation shall  
1-18 be first made, or secured by a deposit of money; and no irrevocable  
1-19 or uncontrollable grant of special privileges or immunities, shall  
1-20 be made; but all privileges and franchises granted by the  
1-21 Legislature, or created under its authority shall be subject to the  
1-22 control thereof.

1-23 (b) In this section, "public use" does not include the  
1-24 taking of property by the State or a political subdivision of the  
1-25 State for transfer to a private entity for the primary purpose of  
1-26 economic development or enhancement of tax revenues.

1-27 SECTION 2. This proposed constitutional amendment shall be  
1-28 submitted to the voters at an election to be held November 3, 2009.  
1-29 The ballot shall be printed to permit voting for or against the  
1-30 proposition: "The constitutional amendment to prohibit the taking  
1-31 of property for transfer to a private entity for the primary purpose  
1-32 of economic development or enhancement of tax revenues."

1-33 \* \* \* \* \*

FAVORABLY AS SUBSTITUTED  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 14

By Carolina Cortez / Duncan  
(Author/Senate Sponsor)

5-23-09  
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,  
have on 5/22/09, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed  
    ☐ the caption remained the same as original measure  
    ☐ the caption changed with adoption of the substitute  
  
☐ do pass as substituted, and be ordered not printed  
  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Robert Duncan, Chair	<input checked="" type="checkbox"/>			
Senator Robert Deuell, Vice-Chair	<input checked="" type="checkbox"/>			
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Rodney Ellis	<input checked="" type="checkbox"/>			
Senator Troy Fraser			<input checked="" type="checkbox"/>	
Senator Chris Harris	<input checked="" type="checkbox"/>			
Senator Mike Jackson	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	1	0

COMMITTEE ACTION

S260 Considered in public hearing  
S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute  
Retain one copy of this form for Committee files

WITNESS LIST

HJR 14

Senate Committee Report

State Affairs

May 20, 2009 - 3:50 PM or upon adjournment

Registering, but not testifying:

For:

Peacock, Bill (Texas Public Policy Foundation), Austin, TX

Providing written testimony:

On:

Igo, Shanna (Texas Municipal League), Austin, TX

May 21, 2009 - 1:00 PM or upon adjournment

FOR:

Peacock, Bill (Texas Public Policy Foundation), Austin, TX

AGAINST:

Allison, Jim (County Judges and Commissioner Association of Texas), Austin, TX

Houston, Scott (Texas Municipal League), Austin, TX

Lee, Donald (Texas Conference of Urban Counties), Austin, TX

Sisk, Cathy (Harris County), Houston, TX

Registering, but not testifying:

For:

DeBeauvoir, Dana (County and District Clerks Association of Texas), Austin, TX

Against:

Contreras, Carlos (City of San Antonio), San Antonio, TX

Hall, Darrin (City of Houston), Houston, TX

Patterson, TJ (City of Fort Worth), Fort Worth, TX

Providing written testimony:

On:

Chambers, Spencer (Port of Houston Authority/Texas Ports Assn.), Houston, TX

## **BILL ANALYSIS**

Senate Research Center

C.S.H.J.R. 14  
By: Corte et al. (Duncan)  
State Affairs  
5/22/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Both the United States Constitution and the Texas Constitution require that the taking of private property be for a public use, and that when an authorized entity takes private property for a public use it must fairly compensate the owner for the property taken. This bill amends the Texas Constitution to more clearly define the circumstances under which a person's private property may be taken for a public use, and what compensation is required in such cases.

C.S.H.J.R. 14 proposes a constitutional amendment to limit the public taking of private property.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 17, Article I, Texas Constitution, as follows:

Sec. 17. (a) Creates this subsection from existing text.

(b) Defines "public use" in this section.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 23, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to prohibit the taking of property for transfer to a private entity for certain purposes.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose a constitutional amendment to Article I of the Texas Constitution to specify that the term "public use" does not include the taking of property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues.

The proposed constitutional amendment would be submitted to the voters at an election to be held November 3, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, SD, SZ, TG, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **As Engrossed**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for, the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier by an entity providing utility service; telecommunications service, video service, or cable service to which the law grants eminent domain authority; the public at large; the state, or a political subdivision of the state.

For the taking of a homestead or farm, adequate compensation would include the cost of relocation to a location where the property owner would have a comparable standard of living without the property owner incurring debt.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, SZ, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment a common carrier, by an entity providing utility service, by the public at large, by the state, or by a political subdivision of the state.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SZ, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **As Introduced**

Fiscal implications to the state, other than the cost of publication, cannot be determined.
---

The cost to the state for publication of the resolution is \$90,882.
--

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment of the public at large or by the state or a political subdivision of the state. The resolution would also amend the Texas Constitution to require the state or a political subdivision to provide clear and convincing evidence that the use of the property to be taken is public and necessary.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment could affect the state's use of eminent domain for transportation-related purposes.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

If the voters were to approve the constitutional amendment, a political subdivision would incur legal costs associated with proving by clear and convincing evidence that the contemplated use of property to be taken is public and necessary. The annual costs would vary, depending on the number of parcels for which an entity seeks to exercise eminent domain. If there are a high number of proposed takings anticipated, the additional costs would include additional staff.

**Source Agencies:** 305 General Land Office and Veterans' Land Board, 601 Department of Transportation

**LBB Staff:** JOB, WK, MW, TG, ES, TP

ADOPTED

MAY 25 2009

*Atty. Gen.*  
Secretary of the Senate

By: Duncan

H J.R. No. 14

Substitute the following for H J.R. No. 14:

By: Robert Duncan

C.S. H J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit the taking of  
2 property for transfer to a private entity for certain purposes.

**RESOLVED**

3 BE IT ~~ENACTED~~, BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged  
7 or destroyed for or applied to public use without adequate  
8 compensation being made, unless by the consent of such person;  
9 and, when taken, except for the use of the State, such  
10 compensation shall be first made, or secured by a deposit of  
11 money; and no irrevocable or uncontrollable grant of special  
12 privileges or immunities, shall be made; but all privileges and  
13 franchises granted by the Legislature, or created under its  
14 authority shall be subject to the control thereof.

15 (b) In this section, "public use" does not include the  
16 taking of property by the State or a political subdivision of  
17 the State for transfer to a private entity for the primary  
18 purpose of economic development or enhancement of tax revenues.

19 SECTION 2. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 3,  
2 2009. The ballot shall be printed to permit voting for or  
3 against the proposition: "The constitutional amendment to  
4 prohibit the taking of property for transfer to a private entity  
5 for the primary purpose of economic development or enhancement  
6 of tax revenues."

# ADOPTED

3rd Reading

FLOOR AMENDMENT NO. 1

MAY 26 2009

BY:

Robert Duncan

Patricia Spaul  
Secretary of the Senate

Amend C.S.H.J.R. 14 (Senate Committee Printing) as follows:

(1) Designate the existing SECTIONS of the resolution as ARTICLE 1 and renumber its SECTIONS as SECTION 1.01 and 1.02.

(2) In renumbered SECTION 1.02, strike "This proposed constitutional amendment" and substitute "The constitutional amendment proposed by this article".

(3) Insert the following ARTICLE 2 to the resolution:

## ARTICLE 2.

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:

Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

1       (e) The legislature biennially shall allocate the amounts  
2 appropriated under this section, or shall provide for a biennial  
3 allocation of those amounts, to eligible state universities to  
4 carry out the purposes of the fund. The money shall be  
5 allocated based on an equitable formula established by the  
6 legislature or an agency designated by the legislature. The  
7 legislature shall review and as appropriate adjust, or provide  
8 for a review and adjustment, of the allocation formula at the  
9 end of each state fiscal biennium.

10       (f) The portion of the total return on investment assets  
11 of the fund that is available for appropriation in a state  
12 fiscal biennium under this section is the portion determined by  
13 the legislature, or an agency designated by the legislature, as  
14 necessary to provide as nearly as practicable a stable and  
15 predictable stream of annual distributions to eligible state  
16 universities and to maintain over time the purchasing power of  
17 fund investment assets. If the purchasing power of fund  
18 investment assets for any rolling 10-year period is not  
19 preserved, the distributions may not be increased until the  
20 purchasing power of the fund investment assets is restored. The  
21 amount appropriated from the fund in any fiscal year may not  
22 exceed an amount equal to seven percent of the average net fair  
23 market value of the investment assets of the fund, as determined  
24 by law. Until the fund has been invested for a period of time  
25 sufficient to determine the purchasing power over a 10-year  
26 period, the legislature may provide by law for means of  
27 preserving the purchasing power of the fund.

28       (g) The legislature shall establish criteria by which a  
29 state university may become eligible to receive a portion of the  
30 distributions from the fund. A state university that becomes  
31 eligible to receive a portion of the distributions from the fund

1 in a state fiscal biennium remains eligible to receive  
2 additional distributions from the fund in any subsequent state  
3 fiscal biennium. The University of Texas at Austin and Texas  
4 A&M University are not eligible to receive money from the fund.

5 (h) An eligible state university may use distributions  
6 from the fund only for the support and maintenance of  
7 educational and general activities that promote increased  
8 research capacity at the university.

9 SECTION 2.02. Subsection (i), Section 17, Article VII,  
10 Texas Constitution, is repealed.

11 SECTION 2.03. The following temporary provision is added  
12 to the Texas Constitution:

13 TEMPORARY PROVISION. (a) This temporary provision applies  
14 to the constitutional amendment proposed by the 81st  
15 Legislature, Regular Session, 2009, establishing the national  
16 research university fund to enable emerging research  
17 universities in this state to achieve national prominence as  
18 major research universities and transferring the balance of the  
19 higher education fund to the national research university fund.

20 (b) The amendment to add Section 20 to Article VII of this  
21 constitution and to repeal Section 17(i), Article VII, of this  
22 constitution takes effect January 1, 2010.

23 (c) On January 1, 2010, any amount in or payable to the  
24 credit of the higher education fund established by Section  
25 17(i), Article VII, Texas Constitution, shall be transferred to  
26 the credit of the national research university fund.

27 (d) This temporary provision expires January 1, 2011.

28 SECTION 2.04. The constitutional amendment proposed by  
29 this Article shall be submitted to the voters at an election to  
30 be held November 3, 2009. The ballot shall be printed to permit  
31 voting for or against the proposition: "The constitutional

1 amendment establishing the national research university fund to  
2 enable emerging research universities in this state to achieve  
3 national prominence as major research universities and  
4 transferring the balance of the higher education fund to the  
5 national research university fund."

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

2009 MAY 28 PM 9:39

HOUSE OF REPRESENTATIVES

By: Corte, Hilderbran, Anderson, Paxton,  
Hughes, et al.

H.J.R. No. 14

## A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of  
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged,  
7 or destroyed for or applied to public use without adequate and just  
8 compensation being made, unless by the consent of such person, and  
9 only if the taking, damage, or destruction is necessary for the  
10 elimination of urban blight on a particular parcel of property or  
11 the possession, occupation, and enjoyment of the property by a  
12 common carrier, by an entity providing utility service, by an  
13 entity that provides telecommunications service, video service, or  
14 cable service to which the law grants eminent domain authority, by  
15 the public at large, by the State, or by a political subdivision of  
16 the State; and, when taken, except for the use of the State, such  
17 compensation shall be first made, or secured by a deposit of money;  
18 and no irrevocable or uncontrollable grant of special privileges or  
19 immunities[?] shall be made; but all privileges and franchises  
20 granted by the Legislature, or created under its authority, shall  
21 be subject to the control thereof.

22 (b) For the purposes of this section, adequate compensation  
23 for the taking of property that is a homestead or farm, if the  
24 taking makes relocation of the homestead or farm necessary,

1 includes the cost of relocation from the condemned property to  
2 another property that allows the property owner, without the  
3 necessity of incurring an amount of debt, debt service, or total  
4 projected interest obligation that is higher than the property  
5 owner was subject to immediately before the taking to:

6 (1) have a standard of living comparable to the  
7 property owner's standard of living immediately before the taking,  
8 if the property taken is a homestead; or

9 (2) operate a comparable farm, if the property taken  
10 is a farm.

11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 3, 2009.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment to prohibit the taking,  
15 damaging, or destroying of private property for public use unless  
16 the action is necessary for the elimination of urban blight on a  
17 particular parcel of property or the possession, occupation, and  
18 enjoyment of the property by a common carrier, an entity providing  
19 utility service, an entity that provides telecommunications  
20 service, video service, or cable service to which the law grants  
21 eminent domain authority, the public, the state, or a political  
22 subdivision, and to require compensation for homesteads and farms  
23 taken in certain circumstances where the use is public and  
24 necessary to include the cost of relocating to a comparable  
25 property."

ADOPTED

MAY 25 2009

*Atty. Gen.*  
Secretary of the Senate

By: Duncan

H J.R. No. 14

Substitute the following for H J.R. No. 14:

By: Robert Duncan

C.S. H J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit the taking of  
2 property for transfer to a private entity for certain purposes.

3 BE IT ENACTED, BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 17, Article I, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged  
7 or destroyed for or applied to public use without adequate  
8 compensation being made, unless by the consent of such person;  
9 and, when taken, except for the use of the State, such  
10 compensation shall be first made, or secured by a deposit of  
11 money; and no irrevocable or uncontrollable grant of special  
12 privileges or immunities, shall be made; but all privileges and  
13 franchises granted by the Legislature, or created under its  
14 authority shall be subject to the control thereof.

15 (b) In this section, "public use" does not include the  
16 taking of property by the State or a political subdivision of  
17 the State for transfer to a private entity for the primary  
18 purpose of economic development or enhancement of tax revenues.

19 SECTION 2. This proposed constitutional amendment shall be

3

1 submitted to the voters at an election to be held November 3,  
2 2009. The ballot shall be printed to permit voting for or  
3 against the proposition: "The constitutional amendment to  
4 prohibit the taking of property for transfer to a private entity  
5 for the primary purpose of economic development or enhancement  
6 of tax revenues."

# ADOPTED

3rd  
Reading

FLOOR AMENDMENT NO. 1

MAY 26 2009

BY:

Robert Duncan

Atty Gen  
Secretary of the Senate

Amend C.S.H.J.R. 14 (Senate Committee Printing) as follows:

(1) Designate the existing SECTIONS of the resolution as ARTICLE 1 and renumber its SECTIONS as SECTION 1.01 and 1.02.

(2) In renumbered SECTION 1.02, strike "This proposed constitutional amendment" and substitute "The constitutional amendment proposed by this article".

(3) Insert the following ARTICLE 2 to the resolution:

## ARTICLE 2.

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:

Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

5  
1

1       (e) The legislature biennially shall allocate the amounts  
2 appropriated under this section, or shall provide for a biennial  
3 allocation of those amounts, to eligible state universities to  
4 carry out the purposes of the fund. The money shall be  
5 allocated based on an equitable formula established by the  
6 legislature or an agency designated by the legislature. The  
7 legislature shall review and as appropriate adjust, or provide  
8 for a review and adjustment, of the allocation formula at the  
9 end of each state fiscal biennium.

10       (f) The portion of the total return on investment assets  
11 of the fund that is available for appropriation in a state  
12 fiscal biennium under this section is the portion determined by  
13 the legislature, or an agency designated by the legislature, as  
14 necessary to provide as nearly as practicable a stable and  
15 predictable stream of annual distributions to eligible state  
16 universities and to maintain over time the purchasing power of  
17 fund investment assets. If the purchasing power of fund  
18 investment assets for any rolling 10-year period is not  
19 preserved, the distributions may not be increased until the  
20 purchasing power of the fund investment assets is restored. The  
21 amount appropriated from the fund in any fiscal year may not  
22 exceed an amount equal to seven percent of the average net fair  
23 market value of the investment assets of the fund, as determined  
24 by law. Until the fund has been invested for a period of time  
25 sufficient to determine the purchasing power over a 10-year  
26 period, the legislature may provide by law for means of  
27 preserving the purchasing power of the fund.

28       (g) The legislature shall establish criteria by which a  
29 state university may become eligible to receive a portion of the  
30 distributions from the fund. A state university that becomes  
31 eligible to receive a portion of the distributions from the fund

1 in a state fiscal biennium remains eligible to receive  
2 additional distributions from the fund in any subsequent state  
3 fiscal biennium. The University of Texas at Austin and Texas  
4 A&M University are not eligible to receive money from the fund.

5 (h) An eligible state university may use distributions  
6 from the fund only for the support and maintenance of  
7 educational and general activities that promote increased  
8 research capacity at the university.

9 SECTION 2.02. Subsection (i), Section 17, Article VII,  
10 Texas Constitution, is repealed.

11 SECTION 2.03. The following temporary provision is added  
12 to the Texas Constitution:

13 TEMPORARY PROVISION. (a) This temporary provision applies  
14 to the constitutional amendment proposed by the 81st  
15 Legislature, Regular Session, 2009, establishing the national  
16 research university fund to enable emerging research  
17 universities in this state to achieve national prominence as  
18 major research universities and transferring the balance of the  
19 higher education fund to the national research university fund.

20 (b) The amendment to add Section 20 to Article VII of this  
21 constitution and to repeal Section 17(i), Article VII, of this  
22 constitution takes effect January 1, 2010.

23 (c) On January 1, 2010, any amount in or payable to the  
24 credit of the higher education fund established by Section  
25 17(i), Article VII, Texas Constitution, shall be transferred to  
26 the credit of the national research university fund.

27 (d) This temporary provision expires January 1, 2011.

28 SECTION 2.04. The constitutional amendment proposed by  
29 this Article shall be submitted to the voters at an election to  
30 be held November 3, 2009. The ballot shall be printed to permit  
31 voting for or against the proposition: "The constitutional

1 amendment establishing the national research university fund to  
2 enable emerging research universities in this state to achieve  
3 national prominence as major research universities and  
4 transferring the balance of the higher education fund to the  
5 national research university fund."

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to prohibit the taking of property for transfer to a private entity for certain purposes.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated,** other than the cost of publication.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to Article I of the Texas Constitution to specify that the term "public use" does not include the taking of property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues.

Additionally, the resolution propose an amendment to Article VII of the Texas Constitution to create a new source of funding to enhance research capacity at certain public general academic institutions using the investment earnings of an existing but rededicated fund corpus (i.e., the Permanent Higher Education Fund, which would become the corpus for the National Research University Fund).

The proposed constitutional amendment would be submitted to the voters at an election to be held November 3, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, SD, KK, MN, SZ, RT, TG, JM, JAW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 23, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to prohibit the taking of property for transfer to a private entity for certain purposes.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

**The cost to the state for publication of the resolution is \$90,882.**

The resolution would propose a constitutional amendment to Article I of the Texas Constitution to specify that the term "public use" does not include the taking of property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues.

The proposed constitutional amendment would be submitted to the voters at an election to be held November 3, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, SD, SZ, TG, JM

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), As Engrossed

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for, the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier by an entity providing utility service; telecommunications service, video service, or cable service to which the law grants eminent domain authority; the public at large; the state, or a political subdivision of the state.

For the taking of a homestead or farm, adequate compensation would include the cost of relocation to a location where the property owner would have a comparable standard of living without the property owner incurring debt.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, SZ, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HJR14 by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment a common carrier, by an entity providing utility service, by the public at large, by the state, or by a political subdivision of the state.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment would not result in a significant fiscal impact to the state.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SZ, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (Proposing a constitutional amendment to limit the public taking of private property.), **As Introduced**

Fiscal implications to the state, other than the cost of publication, cannot be determined.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for the possession, occupation, and enjoyment of the public at large or by the state or a political subdivision of the state. The resolution would also amend the Texas Constitution to require the state or a political subdivision to provide clear and convincing evidence that the use of the property to be taken is public and necessary.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment could affect the state's use of eminent domain for transportation-related purposes.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 3, 2009.

**Local Government Impact**

If the voters were to approve the constitutional amendment, a political subdivision would incur legal costs associated with proving by clear and convincing evidence that the contemplated use of property to be taken is public and necessary. The annual costs would vary, depending on the number of parcels for which an entity seeks to exercise eminent domain. If there are a high number of proposed takings anticipated, the additional costs would include additional staff.

**Source Agencies:** 305 General Land Office and Veterans' Land Board, 601 Department of Transportation  
**LBB Staff:** JOB, WK, MW, TG, ES, TP

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

146 yeas, 0 nays, 1 present, not voting

May 31, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

**ADOPTED**

MAY 31 2009

*Robert Hanes*  
Chief Clerk  
House of Representatives

HOUSE OF REPRESENTATIVES  
2009 MAY 31 PM 3:00

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 14 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Robert Duncan*

Sen. Duncan

*Craig Estes*

Sen. Estes

*Ilse Hegar*

Sen. Hegar

\_\_\_\_\_  
Sen. Van de Putte

On the part of the Senate

Sen. Whitmire

*Mark Cortez*

Rep. Cortez

*Denis Bonnen*

Rep. Bonnen

*Tammy G. J. Hildebrand*

Rep. Hildebrand

*Rep. Pena*

Rep. Pena

*Bonnie Woolley*

On the part of the House

Rep. Woolley

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.J.R. No. 14

A JOINT RESOLUTION

proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1.

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership<sup>use,</sup> and enjoyment of the property,  
notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under ~~general~~ law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the

1 taking of property under Subsection (a) of this section for  
2 transfer to a private entity for the primary purpose of economic  
3 development or enhancement of tax revenues.

4 (c) When a person's property is taken under Subsection (a)  
5 of this section [~~and, when taken~~], except for the use of the  
6 State, [~~such~~] compensation as described by Subsection (a) shall  
7 be first made, or secured by a deposit of money; and no  
8 irrevocable or uncontrollable grant of special privileges or  
9 immunities[~~7~~] shall be made; but all privileges and franchises  
10 granted by the Legislature, or created under its authority,  
11 shall be subject to the control thereof.

12 SECTION 1.02. The constitutional amendment proposed in  
13 this article shall be submitted to the voters at an election to  
14 be held November 3, 2009. The ballot shall be printed to permit  
15 voting for or against the proposition: "The constitutional  
16 amendment to prohibit the taking, damaging, or destroying of  
17 private property for public use unless the action is for the  
18 ownership and enjoyment of the property by the State, a  
19 political subdivision of the State, the public at large, or  
20 entities granted the power of eminent domain under general law  
21 or for the elimination of urban blight on a particular parcel of  
22 property, but not for certain economic development or  
23 enhancement of tax revenue purposes."

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.



~~taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.~~

1 When a person's property is taken under Subsection (a) of this section [~~and, when taken~~], except for the use of the State, [~~such~~] compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[~~7~~] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SECTION 1.02. The constitutional amendment proposed in this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, <sup>use,</sup> and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under ~~general~~ law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or <sup>(((insert A)))</sup> enhancement of tax revenue purposes."

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 1

BY:

3rd Reading  
Robert Owen

*Robert Owen*  
Secretary of the Senate

Amend C.S.H.J.R. 14 (Senate Committee Printing) as follows:

(1) Designate the existing SECTIONS of the resolution as ARTICLE 1 and renumber its SECTIONS as SECTION 1.01 and 1.02.

(2) In renumbered SECTION 1.02, strike "This proposed constitutional amendment" and substitute "The constitutional amendment proposed by this article".

~~(3) Insert the following ARTICLE 2 to the resolution.~~

ARTICLE 2.

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:

Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

1       (e) The legislature biennially shall allocate the amounts  
2 appropriated under this section, or shall provide for a biennial  
3 allocation of those amounts, to eligible state universities to  
4 carry out the purposes of the fund. The money shall be  
5 allocated based on an equitable formula established by the  
6 legislature or an agency designated by the legislature. The  
7 legislature shall review and as appropriate adjust, or provide  
8 for a review and adjustment, of the allocation formula at the  
9 end of each state fiscal biennium.

10       (f) The portion of the total return on investment assets  
11 of the fund that is available for appropriation in a state  
12 fiscal biennium under this section is the portion determined by  
13 the legislature, or an agency designated by the legislature, as  
14 necessary to provide as nearly as practicable a stable and  
15 predictable stream of annual distributions to eligible state  
16 universities and to maintain over time the purchasing power of  
17 fund investment assets. If the purchasing power of fund  
18 investment assets for any rolling 10-year period is not  
19 preserved, the distributions may not be increased until the  
20 purchasing power of the fund investment assets is restored. The  
21 amount appropriated from the fund in any fiscal year may not  
22 exceed an amount equal to seven percent of the average net fair  
23 market value of the investment assets of the fund, as determined  
24 by law. Until the fund has been invested for a period of time  
25 sufficient to determine the purchasing power over a 10-year  
26 period, the legislature may provide by law for means of  
27 preserving the purchasing power of the fund.

28       (g) The legislature shall establish criteria by which a  
29 state university may become eligible to receive a portion of the  
30 distributions from the fund. A state university that becomes  
31 eligible to receive a portion of the distributions from the fund



1 in a state fiscal biennium remains eligible to receive  
2 additional distributions from the fund in any subsequent state  
3 fiscal biennium. The University of Texas at Austin and Texas  
4 A&M University are not eligible to receive money from the fund.

5 (h) An eligible state university may use distributions  
6 from the fund only for the support and maintenance of  
7 educational and general activities that promote increased  
8 research capacity at the university.

9 SECTION 2.02. Subsection (i), Section 17, Article VII,  
10 Texas Constitution, is repealed.

11 SECTION 2.03. The following temporary provision is added  
12 to the Texas Constitution:

13 TEMPORARY PROVISION. (a) This temporary provision applies  
14 to the constitutional amendment proposed by the 81st  
15 Legislature, Regular Session, 2009, establishing the national  
16 research university fund to enable emerging research  
17 universities in this state to achieve national prominence as  
18 major research universities and transferring the balance of the  
19 higher education fund to the national research university fund.

20 (b) The amendment to add Section 20 to Article VII of this  
21 constitution and to repeal Section 17(i), Article VII, of this  
22 constitution takes effect January 1, 2010.

23 (c) On January 1, 2010, any amount in or payable to the  
24 credit of the higher education fund established by Section  
25 17(i), Article VII, Texas Constitution, shall be transferred to  
26 the credit of the national research university fund.

27 (d) This temporary provision expires January 1, 2011.

28 SECTION 2.04. The constitutional amendment proposed by  
29 this Article shall be submitted to the voters at an election to  
30 be held November 3, 2009. The ballot shall be printed to permit  
31 voting for or against the proposition: "The constitutional

1 amendment establishing the national research university fund to  
2 enable emerging research universities in this state to achieve  
3 national prominence as major research universities and  
4 transferring the balance of the higher education fund to the  
5 national research university fund."

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate and just compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by the public at large, by the State, or by a political subdivision of the State; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[;] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another

SENATE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person;

and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

No equivalent provision.

CONFERENCE

ARTICLE 1

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to:

(1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or

(2) operate a comparable farm, if the property taken is a farm.

No equivalent provision.

No equivalent provision.

SENATE VERSION

(b) In this section, "public use" does not include the taking of property by the State or a political subdivision of the State for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

No equivalent provision.

No equivalent provision.

CONFERENCE

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section [; and, when taken], except for the use of the State, [such] compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[,] shall be made; but all privileges and franchises granted by the

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, an entity providing utility service, an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, the public, the state, or a political subdivision, and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a comparable property."

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 2. The constitutional amendment proposed by this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking of property for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues."

ARTICLE 2

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:  
Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve

CONFERENCE

Legislature, or created under its authority, shall be subject to the control thereof.

SECTION 1.02. SECTION 1.02. The constitutional amendment proposed in this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes."

ARTICLE 2

SECTION 2.01. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

(e) The legislature biennially shall allocate the amounts appropriated under this section, or shall provide for a biennial allocation of those amounts, to eligible state universities to carry out the purposes of the fund. The money shall be allocated based on an equitable formula established by the legislature or an agency designated by the legislature. The legislature shall review and as appropriate adjust, or provide for a review and adjustment, of the allocation formula at the end of each state fiscal biennium.

(f) The portion of the total return on investment assets of the fund that is available for appropriation in a state fiscal biennium under this section is the portion determined by the legislature, or an agency designated by

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the legislature, as necessary to provide as nearly as practicable a stable and predictable stream of annual distributions to eligible state universities and to maintain over time the purchasing power of fund investment assets. If the purchasing power of fund investment assets for any rolling 10-year period is not preserved, the distributions may not be increased until the purchasing power of the fund investment assets is restored. The amount appropriated from the fund in any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the fund, as determined by law. Until the fund has been invested for a period of time sufficient to determine the purchasing power over a 10-year period, the legislature may provide by law for means of preserving the purchasing power of the fund.

(g) The legislature shall establish criteria by which a state university may become eligible to receive a portion of the distributions from the fund. A state university that becomes eligible to receive a portion of the distributions from the fund in a state fiscal biennium remains eligible to receive additional distributions from the fund in any subsequent state fiscal biennium. The University of Texas at Austin and Texas A&M University are not eligible to receive money from the fund.

(h) An eligible state university may use distributions from the fund only for the support and maintenance of educational and general activities that promote increased research capacity at the university.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 2.02. Subsection (i), Section 17, Article VII, Texas Constitution, is repealed.

SECTION 2.02. Same as Senate version.

No equivalent provision.

SECTION 2.03. The following temporary provision is added to the Texas Constitution:

SECTION 2.03. Same as Senate version.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.  
(b) The amendment to add Section 20 to Article VII of this constitution and to repeal Section 17(i), Article VII, of this constitution takes effect January 1, 2010.  
(c) On January 1, 2010, any amount in or payable to the credit of the higher education fund established by Section 17(i), Article VII, Texas Constitution, shall be transferred to the credit of the national research university fund.  
(d) This temporary provision expires January 1, 2011.

No equivalent provision.

SECTION 2.04. This constitutional amendment proposed by this Article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing

SECTION 2.04. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund."

# CONFERENCE COMMITTEE REPORT FORM

RECEIVED  
SECRETARY OF SENATE

9 MAY 31 P5:23

Austin, Texas

May 31, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

**ADOPTED**

31-0  
MAY 31 2009

DNT

*Peter Spew*  
Secretary of the Senate

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 14 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Rob Duncan*

Sen. Duncan

*Ken Estes*

Sen. Estes

*Al Hojar*

Sen. Hojar

*Sen. Van de Putte*

Sen. Van de Putte

On the part of the Senate

Sen. Whitmire

*Rep. Cortez*

Rep. Cortez

*Dennis Bonaen*

Rep. Bonaen

*Rep. Hildner*

Rep. Hildner

*Rep. Pena*

Rep. Pena

*Bruce Woolley*

On the part of the House

Rep. Woolley

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Received 5/31/09 5:15

CONFERENCE COMMITTEE REPORT

H.J.R. No. 14

A JOINT RESOLUTION

proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1.

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership<sup>use,</sup> and enjoyment of the property,  
notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under ~~general~~ law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the

1 taking of property under Subsection (a) of this section for  
2 transfer to a private entity for the primary purpose of economic  
3 development or enhancement of tax revenues.

4 (c) When a person's property is taken under Subsection (a)  
5 of this section [~~and, when taken~~], except for the use of the  
6 State, [~~such~~] compensation as described by Subsection (a) shall  
7 be first made, or secured by a deposit of money; and no  
8 irrevocable or uncontrollable grant of special privileges or  
9 immunities[~~7~~] shall be made; but all privileges and franchises  
10 granted by the Legislature, or created under its authority,  
11 shall be subject to the control thereof.

12 SECTION 1.02. The constitutional amendment proposed in  
13 this article shall be submitted to the voters at an election to  
14 be held November 3, 2009. The ballot shall be printed to permit  
15 voting for or against the proposition: "The constitutional  
16 amendment to prohibit the taking, damaging, or destroying of  
17 private property for public use unless the action is for the  
18 ownership and enjoyment of the property by the State, a  
19 political subdivision of the State, the public at large, or  
20 entities granted the power of eminent domain under general law  
21 or for the elimination of urban blight on a particular parcel of  
22 property, but not for certain economic development or  
23 enhancement of tax revenue purposes."

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.



~~taking of property under Subsection (a) of this section for  
transfer to a private entity for the primary purpose of economic  
development or enhancement of tax revenues.~~

4 (A) When a person's property is taken under Subsection (a)  
of this section [~~and, when taken~~], except for the use of the  
State, [~~such~~] compensation as described by Subsection (a) shall  
be first made, or secured by a deposit of money; and no  
irrevocable or uncontrollable grant of special privileges or  
immunities[~~7~~] shall be made; but all privileges and franchises  
granted by the Legislature, or created under its authority,  
shall be subject to the control thereof.

SECTION 1.02. The constitutional amendment proposed in  
this article shall be submitted to the voters at an election to  
be held November 3, 2009. The ballot shall be printed to permit  
voting for or against the proposition: "The constitutional  
amendment to prohibit the taking, damaging, or destroying of  
private property for public use unless the action is for the  
ownership, <sup>use,</sup> and enjoyment of the property by the State, a  
political subdivision of the State, the public at large, or  
entities granted the power of eminent domain under ~~general~~ law  
or for the elimination of urban blight on a particular parcel of  
property, but not for certain economic development or  
enhancement of tax revenue purposes."

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 1

BY:

3rd Reading  
Robert Duncan

*Robert Duncan*  
Secretary of the Senate

Amend C.S.H.J.R. 14 (Senate Committee Printing) as follows:

(1) Designate the existing SECTIONS of the resolution as ARTICLE 1 and renumber its SECTIONS as SECTION 1.01 and 1.02.

(2) In renumbered SECTION 1.02, strike "This proposed constitutional amendment" and substitute "The constitutional amendment proposed by this article".

~~(3) Insert the following ARTICLE 2 to the resolution:~~

ARTICLE 2.

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:

Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

1       (e) The legislature biennially shall allocate the amounts  
2 appropriated under this section, or shall provide for a biennial  
3 allocation of those amounts, to eligible state universities to  
4 carry out the purposes of the fund. The money shall be  
5 allocated based on an equitable formula established by the  
6 legislature or an agency designated by the legislature. The  
7 legislature shall review and as appropriate adjust, or provide  
8 for a review and adjustment, of the allocation formula at the  
9 end of each state fiscal biennium.

10       (f) The portion of the total return on investment assets  
11 of the fund that is available for appropriation in a state  
12 fiscal biennium under this section is the portion determined by  
13 the legislature, or an agency designated by the legislature, as  
14 necessary to provide as nearly as practicable a stable and  
15 predictable stream of annual distributions to eligible state  
16 universities and to maintain over time the purchasing power of  
17 fund investment assets. If the purchasing power of fund  
18 investment assets for any rolling 10-year period is not  
19 preserved, the distributions may not be increased until the  
20 purchasing power of the fund investment assets is restored. The  
21 amount appropriated from the fund in any fiscal year may not  
22 exceed an amount equal to seven percent of the average net fair  
23 market value of the investment assets of the fund, as determined  
24 by law. Until the fund has been invested for a period of time  
25 sufficient to determine the purchasing power over a 10-year  
26 period, the legislature may provide by law for means of  
27 preserving the purchasing power of the fund.

28       (g) The legislature shall establish criteria by which a  
29 state university may become eligible to receive a portion of the  
30 distributions from the fund. A state university that becomes  
31 eligible to receive a portion of the distributions from the fund



1 in a state fiscal biennium remains eligible to receive  
2 additional distributions from the fund in any subsequent state  
3 fiscal biennium. The University of Texas at Austin and Texas  
4 A&M University are not eligible to receive money from the fund.

5 (h) An eligible state university may use distributions  
6 from the fund only for the support and maintenance of  
7 educational and general activities that promote increased  
8 research capacity at the university.

9 SECTION 2.02. Subsection (i), Section 17, Article VII,  
10 Texas Constitution, is repealed.

11 SECTION 2.03. The following temporary provision is added  
12 to the Texas Constitution:

13 TEMPORARY PROVISION. (a) This temporary provision applies  
14 to the constitutional amendment proposed by the 81st  
15 Legislature, Regular Session, 2009, establishing the national  
16 research university fund to enable emerging research  
17 universities in this state to achieve national prominence as  
18 major research universities and transferring the balance of the  
19 higher education fund to the national research university fund.

20 (b) The amendment to add Section 20 to Article VII of this  
21 constitution and to repeal Section 17(i), Article VII, of this  
22 constitution takes effect January 1, 2010.

23 (c) On January 1, 2010, any amount in or payable to the  
24 credit of the higher education fund established by Section  
25 17(i), Article VII, Texas Constitution, shall be transferred to  
26 the credit of the national research university fund.

27 (d) This temporary provision expires January 1, 2011.

28 SECTION 2.04. The constitutional amendment proposed by  
29 this Article shall be submitted to the voters at an election to  
30 be held November 3, 2009. The ballot shall be printed to permit  
31 voting for or against the proposition: "The constitutional

1 amendment establishing the national research university fund to  
2 enable emerging research universities in this state to achieve  
3 national prominence as major research universities and  
4 transferring the balance of the higher education fund to the  
5 national research university fund."

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate and just compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by the public at large, by the State, or by a political subdivision of the State; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[;] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another

SENATE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person;

and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

No equivalent provision.

CONFERENCE

ARTICLE 1

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to:

- (1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or
- (2) operate a comparable farm, if the property taken is a farm.

No equivalent provision.

No equivalent provision.

SENATE VERSION

(b) In this section, "public use" does not include the taking of property by the State or a political subdivision of the State for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

No equivalent provision.

No equivalent provision.

CONFERENCE

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section [; and, when taken], except for the use of the State, [such] compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[,] shall be made; but all privileges and franchises granted by the

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, an entity providing utility service, an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, the public, the state, or a political subdivision, and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a comparable property."

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 2. The constitutional amendment proposed by this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking of property for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues."

ARTICLE 2

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:  
Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve

CONFERENCE

Legislature, or created under its authority, shall be subject to the control thereof.

SECTION 1.02. SECTION 1.02. The constitutional amendment proposed in this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes."

ARTICLE 2

SECTION 2.01. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

(e) The legislature biennially shall allocate the amounts appropriated under this section, or shall provide for a biennial allocation of those amounts, to eligible state universities to carry out the purposes of the fund. The money shall be allocated based on an equitable formula established by the legislature or an agency designated by the legislature. The legislature shall review and as appropriate adjust, or provide for a review and adjustment, of the allocation formula at the end of each state fiscal biennium.

(f) The portion of the total return on investment assets of the fund that is available for appropriation in a state fiscal biennium under this section is the portion determined by the legislature, or an agency designated by

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the legislature, as necessary to provide as nearly as practicable a stable and predictable stream of annual distributions to eligible state universities and to maintain over time the purchasing power of fund investment assets. If the purchasing power of fund investment assets for any rolling 10-year period is not preserved, the distributions may not be increased until the purchasing power of the fund investment assets is restored. The amount appropriated from the fund in any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the fund, as determined by law. Until the fund has been invested for a period of time sufficient to determine the purchasing power over a 10-year period, the legislature may provide by law for means of preserving the purchasing power of the fund.

(g) The legislature shall establish criteria by which a state university may become eligible to receive a portion of the distributions from the fund. A state university that becomes eligible to receive a portion of the distributions from the fund in a state fiscal biennium remains eligible to receive additional distributions from the fund in any subsequent state fiscal biennium. The University of Texas at Austin and Texas A&M University are not eligible to receive money from the fund.

(h) An eligible state university may use distributions from the fund only for the support and maintenance of educational and general activities that promote increased research capacity at the university.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION 2.02. Subsection (i), Section 17, Article VII, Texas Constitution, is repealed.

SECTION 2.02. Same as Senate version.

No equivalent provision.

SECTION 2.03. The following temporary provision is added to the Texas Constitution:

SECTION 2.03. Same as Senate version.

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund. (b) The amendment to add Section 20 to Article VII of this constitution and to repeal Section 17(i), Article VII, of this constitution takes effect January 1, 2010. (c) On January 1, 2010, any amount in or payable to the credit of the higher education fund established by Section 17(i), Article VII, Texas Constitution, shall be transferred to the credit of the national research university fund. (d) This temporary provision expires January 1, 2011.

No equivalent provision.

SECTION 2.04. This constitutional amendment proposed by this Article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing

SECTION 2.04. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund."

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May <sup>31</sup>~~20~~, 2009  
Date


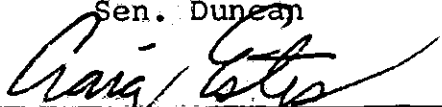
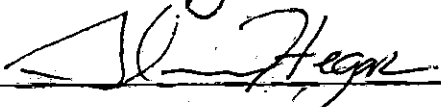
Honorable David Dewhurst  
President of the Senate

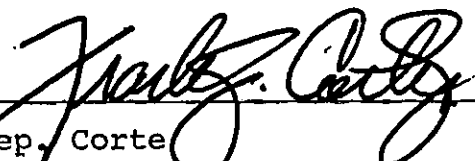

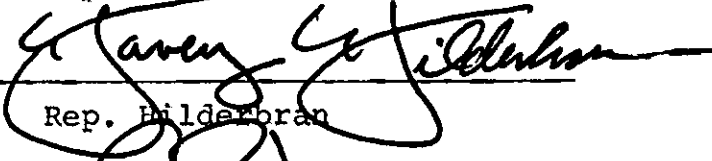
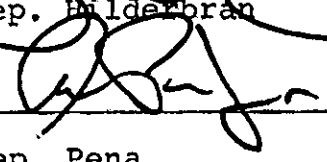
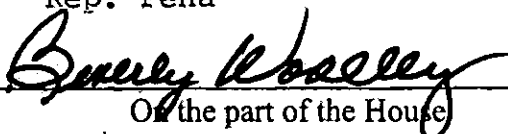
Honorable Joe Straus  
Speaker of the House of Representatives

2009 MAY 31 PM 6:00  
HOUSE OF REPRESENTATIVES

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 14 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
\_\_\_\_\_  
Sen. Duncan  
  
\_\_\_\_\_  
Sen. Estes  
  
\_\_\_\_\_  
Sen. Hegar  
\_\_\_\_\_  
Sen. Van de Putte  
\_\_\_\_\_  
On the part of the Senate  
Sen. Whitmire

  
\_\_\_\_\_  
Rep. Cortez  
  
\_\_\_\_\_  
Rep. Bonnen  
  
\_\_\_\_\_  
Rep. Hildebran  
  
\_\_\_\_\_  
Rep. Pena  
  
\_\_\_\_\_  
On the part of the House  
Rep. Woolley

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.J.R. No. 14

## A JOINT RESOLUTION

proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

### ARTICLE 1.

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership<sup>use,</sup> and enjoyment of the property,  
notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under ~~general~~ law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the

1 taking of property under Subsection (a) of this section for  
2 transfer to a private entity for the primary purpose of economic  
3 development or enhancement of tax revenues.

4 (c) When a person's property is taken under Subsection (a)  
5 of this section [~~and, when taken~~], except for the use of the  
6 State, [~~such~~] compensation as described by Subsection (a) shall  
7 be first made, or secured by a deposit of money; and no  
8 irrevocable or uncontrollable grant of special privileges or  
9 immunities[7] shall be made; but all privileges and franchises  
10 granted by the Legislature, or created under its authority,  
11 shall be subject to the control thereof.

12 SECTION 1.02. The constitutional amendment proposed in  
13 this article shall be submitted to the voters at an election to  
14 be held November 3, 2009. The ballot shall be printed to permit  
15 voting for or against the proposition: "The constitutional  
16 amendment to prohibit the taking, damaging, or destroying of  
17 private property for public use unless the action is for the  
18 ownership and enjoyment of the property by the State, a  
19 political subdivision of the State, the public at large, or  
20 entities granted the power of eminent domain under general law  
21 or for the elimination of urban blight on a particular parcel of  
22 property, but not for certain economic development or  
23 enhancement of tax revenue purposes."

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.



~~taking of property under Subsection (a) of this section for  
transfer to a private entity for the primary purpose of economic  
development or enhancement of tax revenues.~~

(A) When a person's property is taken under Subsection (a)  
of this section [~~and, when taken~~], except for the use of the  
State, [~~such~~] compensation as described by Subsection (a) shall  
be first made, or secured by a deposit of money; and no  
irrevocable or uncontrollable grant of special privileges or  
immunities[~~and~~] shall be made; but all privileges and franchises  
granted by the Legislature, or created under its authority,  
shall be subject to the control thereof.

SECTION 1.02. The constitutional amendment proposed in  
this article shall be submitted to the voters at an election to  
be held November 3, 2009. The ballot shall be printed to permit  
voting for or against the proposition: "The constitutional  
amendment to prohibit the taking, damaging, or destroying of  
private property for public use unless the action is for the  
ownership, <sup>use,</sup> and enjoyment of the property by the State, a  
political subdivision of the State, the public at large, or  
entities granted the power of eminent domain under ~~general~~ law  
or for the elimination of urban blight on a particular parcel of  
property, but not for certain economic development or  
enhancement of tax revenue purposes."

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 1

BY:

*Robert D. Owen*  
Secretary of the Senate

*3rd Reading*  
*Robert D. Owen*

Amend C.S.H.J.R. 14 (Senate Committee Printing) as follows:

(1) Designate the existing SECTIONS of the resolution as ARTICLE 1 and renumber its SECTIONS as SECTION 1.01 and 1.02.

(2) In renumbered SECTION 1.02, strike "This proposed constitutional amendment" and substitute "The constitutional amendment proposed by this article".

~~(3) Insert the following ARTICLE 2 to the resolution.~~

ARTICLE 2.

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:

Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

1       (e) The legislature biennially shall allocate the amounts  
2 appropriated under this section, or shall provide for a biennial  
3 allocation of those amounts, to eligible state universities to  
4 carry out the purposes of the fund. The money shall be  
5 allocated based on an equitable formula established by the  
6 legislature or an agency designated by the legislature. The  
7 legislature shall review and as appropriate adjust, or provide  
8 for a review and adjustment, of the allocation formula at the  
9 end of each state fiscal biennium.

10       (f) The portion of the total return on investment assets  
11 of the fund that is available for appropriation in a state  
12 fiscal biennium under this section is the portion determined by  
13 the legislature, or an agency designated by the legislature, as  
14 necessary to provide as nearly as practicable a stable and  
15 predictable stream of annual distributions to eligible state  
16 universities and to maintain over time the purchasing power of  
17 fund investment assets. If the purchasing power of fund  
18 investment assets for any rolling 10-year period is not  
19 preserved, the distributions may not be increased until the  
20 purchasing power of the fund investment assets is restored. The  
21 amount appropriated from the fund in any fiscal year may not  
22 exceed an amount equal to seven percent of the average net fair  
23 market value of the investment assets of the fund, as determined  
24 by law. Until the fund has been invested for a period of time  
25 sufficient to determine the purchasing power over a 10-year  
26 period, the legislature may provide by law for means of  
27 preserving the purchasing power of the fund.

28       (g) The legislature shall establish criteria by which a  
29 state university may become eligible to receive a portion of the  
30 distributions from the fund. A state university that becomes  
31 eligible to receive a portion of the distributions from the fund



1 in a state fiscal biennium remains eligible to receive  
2 additional distributions from the fund in any subsequent state  
3 fiscal biennium. The University of Texas at Austin and Texas  
4 A&M University are not eligible to receive money from the fund.

5 (h) An eligible state university may use distributions  
6 from the fund only for the support and maintenance of  
7 educational and general activities that promote increased  
8 research capacity at the university.

9 SECTION 2.02. Subsection (i), Section 17, Article VII,  
10 Texas Constitution, is repealed.

11 SECTION 2.03. The following temporary provision is added  
12 to the Texas Constitution:

13 TEMPORARY PROVISION. (a) This temporary provision applies  
14 to the constitutional amendment proposed by the 81st  
15 Legislature, Regular Session, 2009, establishing the national  
16 research university fund to enable emerging research  
17 universities in this state to achieve national prominence as  
18 major research universities and transferring the balance of the  
19 higher education fund to the national research university fund.

20 (b) The amendment to add Section 20 to Article VII of this  
21 constitution and to repeal Section 17(i), Article VII, of this  
22 constitution takes effect January 1, 2010.

23 (c) On January 1, 2010, any amount in or payable to the  
24 credit of the higher education fund established by Section  
25 17(i), Article VII, Texas Constitution, shall be transferred to  
26 the credit of the national research university fund.

27 (d) This temporary provision expires January 1, 2011.

28 SECTION 2.04. The constitutional amendment proposed by  
29 this Article shall be submitted to the voters at an election to  
30 be held November 3, 2009. The ballot shall be printed to permit  
31 voting for or against the proposition: "The constitutional

1 amendment establishing the national research university fund to  
2 enable emerging research universities in this state to achieve  
3 national prominence as major research universities and  
4 transferring the balance of the higher education fund to the  
5 national research university fund."

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate and just compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by the public at large, by the State, or by a political subdivision of the State; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[;] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another

SENATE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person;

and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

No equivalent provision.

CONFERENCE

ARTICLE 1

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

Same as Senate version.

House Joint Resolution 14  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to:

(1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or

(2) operate a comparable farm, if the property taken is a farm.

No equivalent provision.

No equivalent provision.

SENATE VERSION

(b) In this section, "public use" does not include the taking of property by the State or a political subdivision of the State for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

No equivalent provision.

No equivalent provision.

CONFERENCE

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section [; and, when taken], except for the use of the State, [such] compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[,] shall be made; but all privileges and franchises granted by the

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, an entity providing utility service, an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, the public, the state, or a political subdivision, and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a comparable property."

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 2. The constitutional amendment proposed by this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking of property for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues."

ARTICLE 2

SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:  
Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve

CONFERENCE

Legislature, or created under its authority, shall be subject to the control thereof.

SECTION 1.02. SECTION 1.02. The constitutional amendment proposed in this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes."

ARTICLE 2

SECTION 2.01. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

national prominence as major research universities.

(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.

(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

(d) In each state fiscal biennium, the legislature may appropriate as provided by Subsection (f) of this section all or a portion of the total return on all investment assets of the fund to carry out the purposes for which the fund is established.

(e) The legislature biennially shall allocate the amounts appropriated under this section, or shall provide for a biennial allocation of those amounts, to eligible state universities to carry out the purposes of the fund. The money shall be allocated based on an equitable formula established by the legislature or an agency designated by the legislature. The legislature shall review and as appropriate adjust, or provide for a review and adjustment, of the allocation formula at the end of each state fiscal biennium.

(f) The portion of the total return on investment assets of the fund that is available for appropriation in a state fiscal biennium under this section is the portion determined by the legislature, or an agency designated by

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the legislature, as necessary to provide as nearly as practicable a stable and predictable stream of annual distributions to eligible state universities and to maintain over time the purchasing power of fund investment assets. If the purchasing power of fund investment assets for any rolling 10-year period is not preserved, the distributions may not be increased until the purchasing power of the fund investment assets is restored. The amount appropriated from the fund in any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the fund, as determined by law. Until the fund has been invested for a period of time sufficient to determine the purchasing power over a 10-year period, the legislature may provide by law for means of preserving the purchasing power of the fund.

(g) The legislature shall establish criteria by which a state university may become eligible to receive a portion of the distributions from the fund. A state university that becomes eligible to receive a portion of the distributions from the fund in a state fiscal biennium remains eligible to receive additional distributions from the fund in any subsequent state fiscal biennium. The University of Texas at Austin and Texas A&M University are not eligible to receive money from the fund.

(h) An eligible state university may use distributions from the fund only for the support and maintenance of educational and general activities that promote increased research capacity at the university.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION 2.02. Subsection (i), Section 17, Article VII, Texas Constitution, is repealed.	SECTION 2.02. Same as Senate version.
No equivalent provision.	<p>SECTION 2.03. The following temporary provision is added to the Texas Constitution:</p> <p><u>TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.</u></p> <p><u>(b) The amendment to add Section 20 to Article VII of this constitution and to repeal Section 17(i), Article VII, of this constitution takes effect January 1, 2010.</u></p> <p><u>(c) On January 1, 2010, any amount in or payable to the credit of the higher education fund established by Section 17(i), Article VII, Texas Constitution, shall be transferred to the credit of the national research university fund.</u></p> <p><u>(d) This temporary provision expires January 1, 2011.</u></p>	SECTION 2.03. Same as Senate version.
No equivalent provision.	SECTION 2.04. This constitutional amendment proposed by this Article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing	SECTION 2.04. Same as Senate version.

**House Joint Resolution 14**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund."

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 31, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HJR14 by Corte (proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund. ), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to Article I of the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for: the ownership, use, and enjoyment of the state, a political subdivision of the state, the public at large, or an entity granted the power of eminent domain under the law; or the elimination of urban blight on a particular parcel of property.

The definition of term "public use" would be modified to not include the taking of property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. On or after January 1, 2010, the legislature would be allowed to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

Additionally, the resolution propose an amendment to Article VII of the Texas Constitution to create a new source of funding to enhance research capacity at certain public general academic institutions using the investment earnings of an existing but rededicated fund corpus (i.e., the Permanent Higher Education Fund, which would become the corpus for the National Research University Fund).

The proposed constitutional amendment would be submitted to the voters at an election to be held November 3, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, SD, KK, MN, SZ, RT, TG, JM, JAW

## ENROLLED

H.J.R. No. 14

### A JOINT RESOLUTION

1 proposing constitutional amendments limiting the public taking of  
2 private property, establishing the national research university  
3 fund to fund emerging research universities, and eliminating the  
4 higher education fund.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1.

7 SECTION 1.01. Section 17, Article I, Texas Constitution, is  
8 amended to read as follows:

9 Sec. 17. (a) No person's property shall be taken, damaged,  
10 or destroyed for or applied to public use without adequate  
11 compensation being made, unless by the consent of such person, and  
12 only if the taking, damage, or destruction is for:

13 (1) the ownership, use, and enjoyment of the property,  
14 notwithstanding an incidental use, by:

15 (A) the State, a political subdivision of the  
16 State, or the public at large; or

17 (B) an entity granted the power of eminent domain  
18 under law; or

19 (2) the elimination of urban blight on a particular  
20 parcel of property.

21 (b) In this section, "public use" does not include the  
22 taking of property under Subsection (a) of this section for  
23 transfer to a private entity for the primary purpose of economic  
24 development or enhancement of tax revenues.

1       (c) On or after January 1, 2010, the legislature may enact a  
2 general, local, or special law granting the power of eminent domain  
3 to an entity only on a two-thirds vote of all the members elected to  
4 each house.

5       (d) When a person's property is taken under Subsection (a)  
6 of this section [~~and, when taken~~], except for the use of the  
7 State, [~~such~~] compensation as described by Subsection (a) shall be  
8 first made, or secured by a deposit of money; and no irrevocable or  
9 uncontrollable grant of special privileges or immunities[~~7~~] shall  
10 be made; but all privileges and franchises granted by the  
11 Legislature, or created under its authority, shall be subject to  
12 the control thereof.

13       SECTION 1.02. The constitutional amendment proposed in this  
14 article shall be submitted to the voters at an election to be held  
15 November 3, 2009. The ballot shall be printed to permit voting for  
16 or against the proposition: "The constitutional amendment to  
17 prohibit the taking, damaging, or destroying of private property  
18 for public use unless the action is for the ownership, use, and  
19 enjoyment of the property by the State, a political subdivision of  
20 the State, the public at large, or entities granted the power of  
21 eminent domain under law or for the elimination of urban blight on a  
22 particular parcel of property, but not for certain economic  
23 development or enhancement of tax revenue purposes, and to limit  
24 the legislature's authority to grant the power of eminent domain to  
25 an entity."

26                   ARTICLE 2.

27       SECTION 2.01. Article VII, Texas Constitution, is amended

1 by adding Section 20 to read as follows:

2       Sec. 20. (a) There is established the national research  
3 university fund for the purpose of providing a dedicated,  
4 independent, and equitable source of funding to enable emerging  
5 research universities in this state to achieve national prominence  
6 as major research universities.

7       (b) The fund consists of money transferred or deposited to  
8 the credit of the fund and any interest or other return on the  
9 investment assets of the fund. The legislature may dedicate state  
10 revenue to the credit of the fund.

11       (c) The legislature shall provide for administration of the  
12 fund, which shall be invested in the manner and according to the  
13 standards provided for investment of the permanent university fund.  
14 The expenses of managing the investments of the fund shall be paid  
15 from the fund.

16       (d) In each state fiscal biennium, the legislature may  
17 appropriate as provided by Subsection (f) of this section all or a  
18 portion of the total return on all investment assets of the fund to  
19 carry out the purposes for which the fund is established.

20       (e) The legislature biennially shall allocate the amounts  
21 appropriated under this section, or shall provide for a biennial  
22 allocation of those amounts, to eligible state universities to  
23 carry out the purposes of the fund. The money shall be allocated  
24 based on an equitable formula established by the legislature or an  
25 agency designated by the legislature. The legislature shall review  
26 and as appropriate adjust, or provide for a review and adjustment,  
27 of the allocation formula at the end of each state fiscal biennium.

1        (f) The portion of the total return on investment assets of  
2 the fund that is available for appropriation in a state fiscal  
3 biennium under this section is the portion determined by the  
4 legislature, or an agency designated by the legislature, as  
5 necessary to provide as nearly as practicable a stable and  
6 predictable stream of annual distributions to eligible state  
7 universities and to maintain over time the purchasing power of fund  
8 investment assets. If the purchasing power of fund investment  
9 assets for any rolling 10-year period is not preserved, the  
10 distributions may not be increased until the purchasing power of  
11 the fund investment assets is restored. The amount appropriated  
12 from the fund in any fiscal year may not exceed an amount equal to  
13 seven percent of the average net fair market value of the investment  
14 assets of the fund, as determined by law. Until the fund has been  
15 invested for a period of time sufficient to determine the  
16 purchasing power over a 10-year period, the legislature may provide  
17 by law for means of preserving the purchasing power of the fund.

18        (g) The legislature shall establish criteria by which a  
19 state university may become eligible to receive a portion of the  
20 distributions from the fund. A state university that becomes  
21 eligible to receive a portion of the distributions from the fund in  
22 a state fiscal biennium remains eligible to receive additional  
23 distributions from the fund in any subsequent state fiscal  
24 biennium. The University of Texas at Austin and Texas A&M  
25 University are not eligible to receive money from the fund.

26        (h) An eligible state university may use distributions from  
27 the fund only for the support and maintenance of educational and

1 general activities that promote increased research capacity at the  
2 university.

3 SECTION 2.02. Subsection (i), Section 17, Article VII,  
4 Texas Constitution, is repealed.

5 SECTION 2.03. The following temporary provision is added to  
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies  
8 to the constitutional amendment proposed by the 81st Legislature,  
9 Regular Session, 2009, establishing the national research  
10 university fund to enable emerging research universities in this  
11 state to achieve national prominence as major research universities  
12 and transferring the balance of the higher education fund to the  
13 national research university fund.

14 (b) The amendment to add Section 20 to Article VII of this  
15 constitution and to repeal Section 17(i), Article VII, of this  
16 constitution takes effect January 1, 2010.

17 (c) On January 1, 2010, any amount in or payable to the  
18 credit of the higher education fund established by Section 17(i),  
19 Article VII, Texas Constitution, shall be transferred to the credit  
20 of the national research university fund.

21 (d) This temporary provision expires January 1, 2011.

22 SECTION 2.04. The constitutional amendment proposed by this  
23 Article shall be submitted to the voters at an election to be held  
24 November 3, 2009. The ballot shall be printed to permit voting for  
25 or against the proposition: "The constitutional amendment  
26 establishing the national research university fund to enable  
27 emerging research universities in this state to achieve national

H.J.R. No. 14

1 prominence as major research universities and transferring the  
2 balance of the higher education fund to the national research  
3 university fund."

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 14 was passed by the House on May 11, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 14 on May 29, 2009, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 14 on May 31, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House adopted H.C.R. No. 285 authorizing certain corrections in H.J.R. No. 14 on June 1, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

H.J.R. No. 14

I certify that H.J.R. No. 14 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 14 on May 31, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 285 authorizing certain corrections in H.J.R. No. 14 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 14<sup>✓</sup> was passed by the House  
(1)

on May 11<sup>✓</sup>, 2009, by the following vote:  
(2)

Yeas 144<sup>✓</sup>, Nays 0<sup>✓</sup>, 1<sup>✓</sup> present, not voting  
(3) (4)

that the House refused to concur in Senate amendments to H.J.R. No. 14<sup>✓</sup>  
on May 29<sup>✓</sup>, 2009, ~~by the following vote~~  
(5)

~~Yeas~~ by a non-record vote<sup>✓</sup>  
(6) (7)

and requested the appointment of a conference committee to consider the  
differences between the two houses; and that the House adopted  
the conference committee report on H.J.R. No. 14<sup>✓</sup> on

May 31<sup>✓</sup>, 2009, by the following vote:  
(8)

Yeas 146<sup>✓</sup>, Nays 0<sup>✓</sup>, 1<sup>✓</sup> present, not voting  
(9) (10) ((Insert A)))

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT21

I certify that H.J.R. No. 14<sup>✓</sup> was passed by the Senate,  
(1)

with amendments, on May 25<sup>✓</sup>, 2009, by the  
(2)

following vote: Yeas 30<sup>✓</sup>, Nays 1<sup>✓</sup>  
(3) (4)

at the request of the House, the Senate appointed a conference  
committee to consider the differences between the two

houses; and that the Senate adopted the conference committee  
report on H.J.R. No. 14<sup>✓</sup> on May 31<sup>✓</sup>, 2009,  
(5)

by the following vote:  
Yeas 31<sup>✓</sup>, Nays 0<sup>✓</sup>  
(6) (7) ((Insert B)))

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT22

INSERT A:

and that the House adopted H.C.R. No. 285<sup>✓</sup> authorizing certain  
(1)  
corrections in H.B. No. 14<sup>✓</sup> on June 1<sup>✓</sup>, 2009,  
(2) (3)  
by ~~a non-record vote~~, the following vote: Yeas 143<sup>✓</sup>, Nays 0<sup>✓</sup>  
1<sup>✓</sup> present, not voting.

\*\*\*\* Preparation: CT65

INSERT B:

and that the Senate adopted H.C.R. No. 285<sup>✓</sup> authorizing certain  
(1)  
corrections in H.B. No. 14<sup>✓</sup> on June 1<sup>✓</sup>, 2009,  
(2) (3)  
by ~~a viva voce vote~~, the following vote: Yeas 31<sup>✓</sup>, Nays 0<sup>✓</sup>  
\_\_\_\_\_.

\*\*\*\* Preparation: CT66

81ST LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HJR14

Corte  
signature of **primary** author

Corte  
printed name of **primary** author

3/25/09  
Date

PERMISSION TO SIGN HJR14 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES  
THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

Allen, Alma	Date	Coleman, Garnet	Date	Farias, Joe	Date
Alonzo, Roberto	Date	Cook, Byron	Date	Farrar, Jessica	Date
Alvarado, Carol	Date	Corte, Jr., Frank	Date	Fletcher, Allen	Date
Anchia, Rafael	Date	Crabb, Joe	Date	Flores, Ismael "Kino"	Date
Anderson, Charles "Doc"	Date	Craddick, Tom	Date	Flynn, Dan	Date
Aycock, Jimmie Don	Date	Creighton, Brandon	Date	Frost, Stephen	Date
Berman, Leo	Date	Crownover, Myra	Date	Gallego, Pete	Date
Bohac, Dwayne	Date	Darby, Drew	Date	Gattis, Dan	Date
Bolton, Valinda	Date	Davis, John E.	Date	Geren, Charlie	Date
Bonnen, Dennis	Date	Davis, Yvonne	Date	Giddings, Helen	Date
Branch, Dan	Date	Deshotel, Joe	Date	Gonzales, Veronica	Date
Brown, Betty	Date	Driver, Joe	Date	Gonzalez Toureilles, Yvonne	Date
Brown, Fred	Date	Dukes, Dawнна	Date	Guillen, Ryan	Date
Burnam, Lon	Date	Dunnarn, Jim	Date	Gutierrez, Roland	Date
Button, Angie Chen	Date	Dutton, Jr., Harold	Date	Hamilton, Mike	Date
Callegari, Bill	Date	Edwards, Al	Date	Hancock, Kelly	Date
Castro, Joaquin	Date	Eiland, Craig	Date	Hardcastle, Rick	Date
Chávez, Norma	Date	Eissler, Rob	Date	Harless, Patricia	Date
Chisum, Warren	Date	Elkins, Gary	Date	Harper-Brown, Linda	Date
Christian, Wayne	Date	England, Kirk	Date	Hartnett, Will	Date
Cohen, Ellen	Date	Farabee, David	Date	Heflin, Joe	Date

Hernandez, Ana E.	Date	Mallory Caraway, Barbara	Date	Raymond, Richard Peña	Date
Herrero, Abel	Date	Marquez, Marisa	Date	Riddle, Debbie	Date
Hilderbran, Harvey	Date	Martinez, Armando	Date	Rios Ybarra, Tara	Date
Hochberg, Scott	Date	Martinez Fischer, Trey	Date	Ritter, Allan	Date
Hodge, Terri	Date	McCall, Brian	Date	Rodriguez, Eddie	Date
Homer, Mark	Date	McClendon, Ruth Jones	Date	Rose, Patrick	Date
Hopson, Chuck	Date	McReynolds, Jim	Date	Sheffield, Ray	Date
Howard, Charlie	Date	Menendez, Jose	Date	Shelton, Mark	Date
Howard, Donna	Date	Merritt, Tommy	Date	Smith, Todd	Date
Hughes, Bryan	Date	Miklos, Robert	Date	Smith, Wayne	Date
Hunter, Todd	Date	Miller, Doug	Date	Smithee, John	Date
Isett, Carl	Date	Miller, Sid	Date	Solomons, Burt	Date
Jackson, Jim	Date	Moody, Joseph	Date	Strama, Mark	Date
Jones, Delwin	Date	Morrison, Geanie	Date	Straus, Joe	Date
Keffer, Jim	Date	Naishtat, Elliott	Date	Swinford, David	Date
Kent, Carol	Date	Oliveira, Rene	Date	Taylor, Larry	Date
King, Phil	Date	Olivo, Doris	Date	Thibaut, Kristi	Date
King, Susan	Date	Orr, Rob	Date	Thompson, Senfronia	Date
King, Tracy	Date	Ortiz, Jr., Solomon	Date	Truitt, Vicki	Date
Kleinschmidt, Tim	Date	Otto, John	Date	Turner, Chris	Date
Kolkhorst, Lois	Date	Parker, Tan	Date	Turner, Sylvester	Date
Kuempel, Edmund	Date	Patrick, Diane	Date	Vaught, Allen	Date
Laubenberg, Jodie	Date	Paxton, Ken	Date	Veasey, Marc	Date
Leger, Ken	Date	Peña, Aaron	Date	Villarreal, Mike	Date
Leibowitz, David	Date	Phillips, Larry	Date	Vo, Hubert	Date
Lewis, Tryon	Date	Pickett, Joe	Date	Walle, Armando	Date
Lucio III, Eddie	Date	Pierson, Paula	Date	Weber, Randy	Date
Madden, Jerry	Date	Pitts, Jim	Date	Woolley, Beverly	Date
Maldonado, Diana	Date	Quintanilla, Chente	Date	Zerwas, John	Date

for chief clerk use only

Bill or Resolution Number: HJR 14

### JOINT AUTHOR AUTHORIZATION

As primary author of HJR 14 I hereby authorize the following joint author(s):  
(bill or resolution #)

Hilderbran  
printed name of joint author #1

[Signature]  
signature of joint author #1

3/25/09  
date

Anderson  
printed name of joint author #2

[Signature]  
signature of joint author #2

5/11/09  
date

Paxton  
printed name of joint author #3

[Signature]  
signature of joint author #3

Hughes  
printed name of joint author #4

[Signature]  
signature of joint author #4

5/11/09  
date

5.11.09  
date

[Signature]  
signature of primary author

3/25/09  
date

Constitutional

14

H.J.R. No. 14

By Ceate

proposing a constitutional amendment to limit the public taking of private property.

NOV 10 2008 Filed with the Chief Clerk

MAR 02 2009 Read first time and referred to Committee on Land and Resource Management

APR 29 2009 Reported favorably (~~as amended~~)  
(as substituted)

MAY 06 2009 Sent to Committee on Calendars

MAY 11, 2009 Read second time (comm. subst.) (amended) and adopted (~~passed without amendment~~) by a  
record vote of 144 yeas, 0 nays, 1 present, not voting

MAY 12 2009 Read third time (amended) and finally adopted (failed of adoption) by a  
record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

MAY 12 2009 Engrossed

MAY 12 2009 Sent to Senate

Robert Haney  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 12 2009 Received from the House

MAY 13 2009 Read and referred to Committee on STATE AFFAIRS

MAY 23 2009 Reported favorably \_\_\_\_\_

MAY 23 2009 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

MAY 25 2009 Ordered not printed

MAY 25 2009 Laid before the Senate

MAY 26 2009 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

MAY 25 2009 Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

MAY 25 2009 Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 1 nays

MAY 25 2009 Read third time, \_\_\_\_\_, and passed by 30 yeas, 1 nays

MAY 28 2009 Returned to the House

Patricia Spaul  
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 26 2009 Reconsidered vote on final passage by a viva voce vote

MAY 26 2009 Again, read third time, amended and passed by 31-0

MAY 28 2009

Returned from the Senate (as substituted)  
(with amendments)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

MAY 29 2009

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (~~record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting~~)

MAY 29 2009

House conferees appointed: Corte, Chair; Hildebrand,  
BONNEN, Peña, Woolley

MAY 31 2009

Senate granted House request. Senate conferees appointed: Duncan, Chair;  
Estes, Hegar, VandePutte, Whitnive

MAY 31 2009

Conference committee report adopted (~~rejected~~) by the House by a record vote of  
146 yeas, 0 nays, 1 present, not voting

MAY 31 2009

Conference committee report adopted (rejected) by the Senate by a record vote of  
31 yeas, 0 nays

2009 MAY 28 PM 9:39

HOUSE OF REPRESENTATIVES

2009 MAY -5 PM 5:33

HOUSE OF REPRESENTATIVES